

APR 16 2015

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION

David J. Bradley, Clerk

UNITED STATES OF AMERICA §
VS. § CRIMINAL ACTION NO. 7:14-CR-00281
ARMANDO GONZALEZ-GARCIA §

ORDER

Defendant has filed two separate motions for a sentence reduction pursuant to Amendment 782 of the United States Sentencing Guidelines. For the following reason(s), Defendant's motions [*Dkt. Nos. 31 & 32*] are hereby **DENIED**:

- Defendant's projected release date is prior to November 1, 2015. *See U.S. SENTENCING GUIDELINES MANUAL § 1B1.10(e)(1).*
- The Amendment does not lower Defendant's guideline range because of a controlling statutory minimum. *See id. § 5G1.1(b).*
- The low end of Defendant's amended guideline range is equal to or greater than the sentence Defendant received, and Defendant did not receive a downward departure based on substantial assistance to the Government. *See id. § 1B1.10(b)(2)(A)-(B).*
- The Amendment does not lower Defendant's guideline range based on the quantity of drugs used to calculate Defendant's original guideline range.
- Defendant was not sentenced based on a guideline range calculated using the Drug Quantity Tables in § 2D1.1 or § 2D1.11.
- The Court accepted the Government's recommendation for a two-level reduction in the form of a variance at the time of sentencing, pursuant to the Attorney General's Memorandum.

IT IS SO ORDERED.

DONE at McAllen, Texas, this 11 th day of April, 2015.

Micaela Alvarez
United States District Judge